

AMENDED IN ASSEMBLY APRIL 18, 2002

AMENDED IN ASSEMBLY APRIL 3, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2971**

**Introduced by Assembly Member Strom-Martin**

February 25, 2002

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An act to amend Sections 13625, 13627, and 13630 of, and to add Sections 13625.1 and 13627.5 to, the Water Code, relating to wastewater treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2971, as amended, Strom-Martin. Wastewater treatment plants: definition.

(1) Under the Porter-Colgne Water Quality Control Act, the State Water Resources Control Board is required to classify types of wastewater treatment plants, as defined, for purposes of determining the levels of competence necessary to operate the plants. Under that definition, facilities owned by governmental agencies and used in the treatment or reclamation of sewage and industrial waste and certain privately owned facilities performing the same usage purposes and regulated by the Public Utilities Commission are considered wastewater treatment plants.

This bill would revise the definition of wastewater treatment plants for these purposes by including within that definition private and governmental facilities used in the treatment or reclamation of sewage or industrial waste, rather than sewage and industrial waste, and any privately owned facility, without requiring that it is regulated by the

Public Utilities Commission, used primarily in the treatment or reclamation of sewage for which the state board or a regional quality control board has issued waste discharge requirements.

The bill would authorize the state board, subject to renewal and imposed conditions, to exempt for 4 years from the certificate requirements any facility that ~~poses a de minimis threat to public health or the environment~~ *is classified, by regulation, at the lowest level for flow and complexity by the state board and the facility could not, due to operator error, violate water quality objectives.*

The bill would authorize the state board to charge a reasonable administrative fee for processing a facility's original or renewal application for exemption.

(2) Existing law requires supervisors and operators of wastewater treatment plants to possess certificates of the appropriate grade.

This bill would, not later than June 30, 2007, impose this requirement on supervisors and operators of those privately owned facilities that are not regulated by the Public Utilities Commission and are included in the revised definition of "wastewater treatment plants" as provided under (1).

The bill would require operators employed at the private wastewater treatment plants described above to pass a written examination administered by the state board no later than June 30, 2004.

(3) Because the failure of a person who operates a ~~waste~~ wastewater treatment plant to obtain and hold a valid certificate issued by the state board of the appropriate grade is a crime, this bill would impose a state-mandated local program by expanding the scope of that crime.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13625 of the Water Code is amended to  
2 read:



1 13625. As used in this chapter unless the context otherwise  
2 requires, the following definitions apply:

3 (a) “Certificate” means a certificate of competency issued by  
4 the state board stating that the supervisor or operator has met the  
5 requirements for a specific classification in the certification  
6 program.

7 (b) “Wastewater treatment plant” means any of the following:

8 (1) Any facility owned by a state, local, or federal agency and  
9 used in the treatment or reclamation of sewage or industrial wastes.

10 (2) Any privately owned facility used in the treatment or  
11 reclamation of sewage or industrial wastes, and regulated by the  
12 Public Utilities Commission pursuant to Sections 216 and 230.6  
13 of, and Chapter 4 (commencing with Section 701) of Part 1 of  
14 Division 1 of, the Public Utilities Code.

15 (3) Any privately owned facility used primarily in the  
16 treatment or reclamation of sewage for which the state board or a  
17 regional board has issued waste discharge requirements.

18 (c) “Operator” means any person who operates a wastewater  
19 treatment plant.

20 (d) “Supervisor” means any person who has direct  
21 responsibility for the operation of a wastewater treatment plant or  
22 who supervises any operators of a wastewater treatment plant.

23 SEC. 2. Section 13625.1 is added to the Water Code, to read:

24 13625.1. (a) The state board may exempt from the  
25 requirements of this chapter any facility that ~~poses a de minimis~~  
26 ~~threat to public health or the environment.~~ *is classified at the*  
27 *lowest level for flow and complexity by the state board under*  
28 *Section 3675 of Title 23 of the California Code of Regulations, and*  
29 *the facility could not, due to operator error, violate water quality*  
30 *objectives.*

31 (b) An exemption granted pursuant to this section is valid for  
32 four years, and may be renewed by the state board upon request.

33 (c) The state board may condition an exemption under this  
34 section, and the exemption may be terminated at any time by the  
35 board.

36 (d) The state board may charge a reasonable administrative fee  
37 for processing a facility’s original or renewal application for  
38 exemption.

39 SEC. 3. Section 13627 of the Water Code is amended to read:

1 13627. (a) Supervisors and operators of those wastewater  
2 treatment plants described in paragraph (1) and (2) of subdivision  
3 (b) of Section 13625 shall possess a certificate of appropriate  
4 grade. Not later than June 30, 2007, supervisors and operators of  
5 those wastewater treatment plants described in paragraph (3) of  
6 subdivision (b) of Section 13625 shall possess certificates of the  
7 appropriate grade. All certificates shall be issued in accordance  
8 with, and to the extent recommended by the advisory committee  
9 and required by, regulations adopted by the state board. The state  
10 board shall develop and specify in its regulations the training  
11 necessary to qualify a supervisor or operator for certification for  
12 each type and class of plant. The state board may accept experience  
13 in lieu of qualification training. For supervisors and operators of  
14 water recycling treatment plants, the state board may approve use  
15 of a ~~water~~ wastewater treatment plant operator of appropriate  
16 grade certified by the State Department of Health Services  
17 pursuant to Article 3 (commencing with Section 106875) of  
18 Chapter 4 of Part 1 of Division 104 of the Health and Safety Code  
19 in lieu of a wastewater treatment plant operator certified by the  
20 state board, provided that the state board may refuse to approve use  
21 of an operator certified by the department or may suspend or  
22 revoke its approval of the use of an operator certified by the  
23 department if the operator commits any of the prohibited acts  
24 described in Article 7 of Chapter 26 of Division 3 of Title 23 of the  
25 California Code of Regulations.

26 (b) The regional water quality control board, with jurisdiction  
27 for issuing and ensuring compliance with applicable water  
28 reclamation or waste discharge requirements, shall notify the  
29 department in writing if, pursuant to an inspection conducted  
30 under Section 13267, the regional board makes a determination  
31 that there is reasonable grounds for not issuing, or for suspending  
32 or revoking, the certificate of a certified ~~water~~ wastewater  
33 treatment plant operator who is operating or supervising the  
34 operation of a water recycling treatment plant. The department  
35 shall make its determination regarding the issuance, suspension,  
36 or revocation of a certificate in accordance with Section 106876  
37 of the Health and Safety Code.

38 (c) For purposes of this section, “water recycling treatment  
39 plant” means a treatment plant that receives and further treats



1 secondary ~~and/or tertiary effluent~~ or tertiary effluent, or both,  
2 from a wastewater treatment plant.

3 (d) A person employed as a wastewater treatment plant  
4 supervisor or operator on the effective date of regulations adopted  
5 pursuant to this chapter shall be issued an appropriate certificate  
6 if the person meets the training, education, and experience  
7 requirements prescribed by regulations.

8 (e) The state board may refuse to grant, suspend, or revoke any  
9 certificate issued by the state board to operate a wastewater  
10 treatment plant, or may place on probation, or reprimand, the  
11 certificate holder upon any reasonable ground, including, but not  
12 limited to, all of the following reasons:

13 (1) Submitting false or misleading information on an  
14 application for a certificate.

15 (2) The employment of fraud or deception in the course of  
16 operating the wastewater treatment plant.

17 (3) A certificate holder's failure to use reasonable care or  
18 judgment in the operation of the plant.

19 (4) A certificate holder's inability to perform operating duties  
20 properly.

21 (5) Willfully or negligently violating, or causing, or allowing  
22 the violation of, waste discharge requirements or permits issued  
23 pursuant to the Federal Water Pollution Control Act (33 U.S.C.  
24 Sec. 1251 et seq.).

25 (f) The state board shall conduct all proceedings for the refusal  
26 to grant a certificate, and suspension or revocation of a certificate,  
27 pursuant to subdivision (c), in accordance with the rules adopted  
28 pursuant to Section 185.

29 SEC. 4. Section 13627.5 is added to the Water Code, to read:

30 13627.5. (a) Any operator employed at a wastewater  
31 treatment plant described in paragraph (3) of subdivision (b) of  
32 Section 13625 shall pass a written examination administered by  
33 the state board no later than June 30, 2004. Upon passage of that  
34 written examination, the operator shall be credited with one year  
35 of experience for purposes of operator certification.

36 (b) The state board may charge a reasonable fee for  
37 administering this section.

38 SEC. 5. Section 13630 of the Water Code is amended to read:

39 13630. The state board is the state agency which is authorized  
40 to represent the state and its local governmental agencies in

1 administering any federal or state funds available for wastewater  
2 treatment plant operator training. The state board may provide  
3 technical and financial assistance to organizations providing  
4 operator training programs.

5 SEC. 6. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.

